(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 558 OF 2003

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri V. Menezes, advocate for the petitioner.

Shri S. S. Kantak, advocate for respondent nos. 1 and 2.

Shri S. D. Lotlikar, Senior Advocate with Ms. S. Naik, advocate for respodent no. 3.

Shri H. D. Naik, Additional Government Advocate for respondent nos. 4 and 6.

Shri V. P. Thali, advocate for respondent no.5.

CORAM : S. A. BOBDE, J.

DATE : 1st July, 2004

P.C.

The petitioner's structure has been ordered to be demolished initially by the Village Panchayat by the Order dated 4th April, 2003. An appeal against the said Order has been rejected.

2. The petitioner has, thereafter, applied for

regularization of the structure. That application was also rejected. The petitioner has filed an appeal which is pending before the Town and Country Planning Board, respondent no.6. The learned counsel for the Town and Country Planning Board, respondent no.6, states that the meeting in which the petitioner's appeal will be considered, is scheduled to be held in the month of August, 2004. I, therefore, direct the Town and Country Planning Board, respondent no.6 to consider the petitioner's appeal and decide the same, not later than two months from today.

3. It is clear that if the petitioner's appeal succeeds, that is to say, if his plea for regularization is accepted, then no question of demolition of the petitioner's structure would survive. The respondents are directed not to demolish the structure in such an eventuality,

subject however, to such remedy as may be available to the respondent no.3 in accordance with law.

4. Conversely, if the petitioner's appeal for regularization fails, then without prejudice to such remedies as the petitioner may have, the respondents shall be entitled to demolish the petitioner's structure, but shall not do so for a period of two weeks after the dismissal of the petitioner's appeal for regularization.

5. Status quo as on date shall be maintained till the decision of the petitioner's appeal by the Town and Country Planning Board, respondent no.6.

6. Rule made absolute in above terms.

S. A. BOBDE, J.